

17.03.2021
Item No.28
Ct. No.2
CHC

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION
(Through Video Conference)**

W.P.A.620 of 2021

**Bhupesh Sharma & ors.
Vs.
The State of West Bengal & ors.**

Mr. Kunaljit Bhattacharjee,
Mr. Biswajit Das,
Mr. Abhisek Patel
...for the petitioners

Mr. Subir Kumar Saha (Ld. A.G.P.)
Mr. Pretom Das
...for the State

Mr. Debabrata Dhar, Sr. Council
Mr. Ankan Mitra
...for the respondent Nos.3 & 4

The grievance of the writ petitioners is against alleged inaction of respondent no.4, being the Secretary, West Bengal Board of Primary Education in not issuing the Marksheet and Diploma Certificate in spite of writ petitioners having successfully completed the said examinations sometimes before.

Admittedly, the writ petitioners are the Assistant Teachers working in different schools and in terms of requirement of law, they

undertook the referred course and passed out the same.

Learned advocate, Mr. Kunaljit Bhattacharjee representing the writ petitioners submits that for obtaining the Marksheet and Diploma Certificate the writ petitioners already approached the respondent no.4 by submitting representations, which have not even duly considered by the respondent authority resulting in hardship to the writ petitioners.

The attention of the Court is incidentally drawn by the learned advocate for the writ petitioners to the previous representations submitted by the writ petitioners, excepting the writ petitioner no.1, which are annexed with the instant writ application, starting from pages 61 to 69. In the absence of the relevant representation, it is proposed by the learned advocate for the petitioners, that in the instant writ application may be treated to be the representation of the writ petitioner no.1.

Learned Senior Advocate, Mr. Debabrata Dhar appears in virtual mode and representing the respondent nos.3 and 4 raises objection proposing for a direction to exchange affidavits in this case for perfectly addressing the issue involved in this case.

The issue involved is very small and simple and the relief proposed is also very innocuous, for which exchange of affidavit is an unnecessary exercise, because if any direction for exchange of affidavit is given, that will cause further delay to the instant litigation.

Having considered the submission of learned advocate for both the parties and bearing in mind the materials placed in the writ petition, in particular, the representations, submitted by the writ petitioner nos.2 to 10, excepting the writ petitioner no.1, shown in pages 61 to 69 to this writ application, the respondent no.4 is directed to consider the representations of the writ petitioner nos.2 to 10 and dispose of the same recording a reasoned order, and if necessary by giving opportunity of hearing to the writ petitioners upon issuing of notice for the purpose.

It is clarified that issuance of notice is necessary to show the fairness of the exercise, as directed to be adhered to by the respondent no.3 in this case.

So far as writ petitioner no.1 is concerned, the writ application be treated as a last representation of the writ petitioner no.1 and consider the same in the same manner, as

directed to be ensured as against writ petitioner nos.2 to 10.

Such exercise is required to be complied peremptorily within a period of two months from the date of communication of this order.

With this direction/observation, the writ petition being W.P.A.620 of 2021 stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)